

BOARD OF REGISTERED NURSING

P.O Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Ruth Ann Terry, MPH, RN, Executive Officer



DIVERSION / DISCIPLINE COMMITTEE MINUTES

DATE: May 8, 2008

SITE: **Four Points by Sheraton**
4900 Duckhorn Drive
Sacramento, CA 95834
Phone: 916-263-9000
Fax: 916-263-9933

MEMBERS PRESENT: LaFrancine Tate, President
Grace Corse, Chair
Andrea Dutton, Med, ARRT
Nancy Beecham, RNC, BS, FADONA \ LTC

STAFF PRESENT: Heidi Goodman, Assistant Executive Officer
Louise Bailey, RN, NEC Supervisor
Carol Stanford, Diversion & Probation Program Manager

OTHERS PRESENT: Virginia Matthews, Maximus

The Acting Chair, Andrea Dutton called the meeting to order at 9:05 am.

1.0 COMMITTEE BUSINESS

Approve/Not Approve: Minutes of March 20, 2008

M/S/C: LaFrancine Tate / Andrea Dutton approved the minutes as submitted.

2.0 ENFORCEMENT PROGRAM

2.1 Information Only: Enforcement Program Update and Statistics

Attached are the Enforcement Program Statistics for July 2007 through March 31, 2008.

Statistics

It is important to note that the statistics provided at the last Board meeting showed that 758 cases were pending at the Attorney General's (AG) office; however, further review indicates there were only 611 cases pending as of February 29, 2008. Currently there are only 604 cases pending at the AGs office as of March 31st.

Projections indicate that 58.5% of all disciplinary matters will be settled by stipulated agreement. Additionally, projections reveal that only 10% of disciplinary matters will go through an administrative hearing this fiscal year.

Program Update

On May 19th, Stacie Berumen will rejoin the Board as the Enforcement Program Manager. She left the Enforcement Program one year ago to become the Licensing Program Manager for the Medical Board of California. Welcome back, Stacie.

3.0 DIVERSION/PROBATION PROGRAMS

3.1 Information Only: Diversion Program Update and Statistics

Program Update

The Diversion Program Manager and Virginia Matthews, Maximus Program Director, gave a presentation to the nurse leaders at the Kindred Hospital in Folsom, California on March 27, 2008. The presentation was well received and the staff provided positive feedback at its conclusion.

Contract Update

The seven Boards met and finalized a new RFP that was released on March 12th. It is anticipated that the new intent to award will be posted on or about May 10, 2008. It is anticipated that a new contract will be in place by June 30, 2008. Maximus Program Director, Virginia Matthews, gave a program overview.

Diversion Evaluation Committees (DEC)

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for February and March 2008. As of March 31, 2008 there were 1,300 successful completions in the Diversion Program.

3.2 Diversion Evaluation Committee Members

(a) Information Only: Diversion Evaluation Committee

Member Resignation

In accordance with Business and Professions Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees (DEC). Each DEC is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

RESIGNATION

Below is the name of the Diversion Evaluation Committee member who has resigned for personal reasons. His efforts were recognized and a certificate and letter of appreciation, on behalf of the Board, has been mailed out.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Robert Watrous	Physician	Ontario	9

3 OPEN FORUM

The Acting Chair adjourned the meeting at 9:50 am.

Approved: _____

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 2.1

DATE: August 21, 2008

ACTION REQUESTED: Information Only: Enforcement Program Update and Statistics

REQUESTED BY: Stacie Berumen, Enforcement Program Manager

BACKGROUND: Attached are the Enforcement Program Statistics for Fiscal Year 2007-2008. (July 2007 through June 2008)

Statistics
The Board's Fiscal year 2007-2008 statistics indicated that within the last six fiscal the following numbers reflect the highest number of: complaints at 3,900; investigations opened at 2,754; pleadings filed at 494, and disciplinary actions at 339.

The Board opened 837 more investigations than in FY 2006/07 which is an increase of 44%. The Board referred an additional 122 cases to the Attorney General's Office for action which is an increase of 39%.

The Board settled 59% of all disciplinary matters by stipulated agreement. Additionally, only 11% of disciplinary matters went through an administrative hearing.

NEXT STEP: Meet with staff at DOI and the AG's offices to create a plan of action to improve processing times and prioritize cases. Continue to monitor and gather data related to the AG and DOI statistics and budget to determine if current and forecasted workload warrants pursuing a future budget change proposal for additional staffing and funding. Additionally, the Enforcement Program is monitoring the caseload and the number of hours being used by both the AG and DOI.

FISCAL IMPLICATIONS, IF ANY: None

PERSON TO CONTACT: Stacie Berumen
Enforcement Program Manager
(916) 574-7608

BOARD OF REGISTERED NURSING
Agenda Item Summary
Diversion/Discipline Committee Meeting

August 21, 2008

Meeting with Los Angeles County Sheriff's Medical Services Bureau (LACSMSB)

On June 26, 2008, Stacie Berumen, Enforcement Program Manager, Carol Stanford, Diversion/Probation Program Manager, Heidi Goodman, AEO, and several Enforcement Program staff met with the executive staff of LACSMSB that included: Captain Michael Kwan, Unit Commander; Kathleen Braman, RN, MN, CCRN, Director of Operations; Deborah McLean, RN, MHA, Clinical Nursing Director; and Arlene Martinez, RN, Clinical Nursing Director at the Board's office in Sacramento. Staff explained the enforcement process from complaint intake through administrative adjudication, processing time frames, reporting requirements, and types of actions taken by the Board. Additionally, an overview of the Board's confidential Diversion Program was provided.

Captain Kwan and his staff explained that the LA County Jail system is one of the largest correctional systems in the United States, housing approximately 20,000 inmates in 10 correctional facilities on a daily basis. They employ approximately 1,000 health care personnel who provide constitutionally required medical care for their inmate population. They are interested in insuring that their RNs are adhering to all requirements of the Nursing Practice Act. It was a very interesting and productive meeting and we appreciate that the executive staff from LACSMSB were willing to travel to Sacramento to meet with us.

Division of Investigation

Stacie Berumen, Enforcement Program Manager, met with Daryl Walker, Deputy Chief, and Kim Trefry, Intake Unit Supervisor on July 16, 2008. DOI plans to implement the Case Assignment Tracking System (CATS) with there staff in October 2008 and roll out to the boards and bureaus will begin in January 2009. This new system will permit the boards to submit requests for service (RFS) electronically.

The enhancements of this CATS system include immediate information on the location and investigator assignment and staff will be able to monitor the status of the investigation, on line. The newly created Intake Unit also plans to streamline the case referral process which will include gathering various documents prior to sending a case out to a field office. It is hoped that once a case is assigned it will be ready for immediate investigation thus reducing the processing time of our cases.

Future meetings will be scheduled with DOI executive staff to create a plan to improve and reduce processing times of the Board's investigations.

CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS
Fiscal Year End 06/30/2008

DESCRIPTION	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08*
Complaints Received	2,172	2,993	3,148	3,384	3,361	3,900
Referred to Diversion Program	342	225	256	311	367	332
Investigations Opened	1,314	1,132	2,401	2,312	1,917	2,754
Referred to Attorney General	302	391	331	562	314	436
Cases Pending at Attorney General	577	503	449	670	604	599
Petitions to Revoke Probation Filed	34	30	21	36	44	74
Accusations Filed	309	338	216	270	336	404
Statements of Issues Filed	20	30	15	22	22	16
Total Pleadings	363	398	252	328	402	494
Orders to Compel Examination (Sec. 820)	13	8	11	7	5	6
Interim Suspension Order	NA	3	4	2	3	1
Criminal Actions Filed	25	15	54	11	7	23
Licensee Disciplinary Actions:						
(a) Revocation	53	117	102	85	101	121
(b) Probation	57	149	137	110	120	131
(c) Suspension/Probation	1	2	0	3	6	10
(d) License Surrendered	18	49	49	36	67	73
(e) Public Reprimand/Reproval	1	12	5	8	9	3
(f) Decisions Other	0	0	6	2	3	1
Total, Licensee Discipline	130	329	299	244	306	339
Total Cite and Fine Citations Issued*	5	17	34	1	17	35
Applicant Disciplinary Actions:						
(a) License Denied	3	0	25	10	7	17
(b) License Issued on Probation	18	19	15	10	15	10
Total, Applicant Discipline	21	19	40	20	22	27
Process Used for Discipline (licensees)						
(a) Administrative Hearing	21	58	50	34	44	38
(b) Default Decision	42	82	73	63	76	101
(c) Stipulation	67	189	176	147	186	200
Total	130	329	299	244	306	339

*Fiscal Year to Date

BOARD OF REGISTERED NURSING
Agenda Item Summary
Diversion/Discipline Committee Meeting

AGENDA ITEM: 3.1

DATE: August 21, 2008

ACTION REQUESTED: Information Only: Diversion Program Update and Statistics

REQUESTED BY: Carol Stanford
Diversion/Probation Program Manager

BACKGROUND:

Program Update

The Diversion Program Manager was appointed to NCSBNs Chemical Dependency Program Review Committee and the first committee meeting was held June 30th - July 1st. The ultimate goal of this committee is to create standards of practice guidelines for all State Monitoring Programs for RN health professionals. The committee members bring a wealth of experience, information and knowledge and will develop tools to assist programs that are required to monitor health care professionals resulting in dual accomplishments: public protection and the rehabilitation of RN healthcare professionals.

Contract Update

On July 28, 2008, the seven Boards were informed that Maximus was awarded the Diversion Program contract. As you may remember, the contract was extended through December 2008, during the protest period. It is anticipated that the new contract will be in place prior to December as meetings are being held with Maximus to prepare for the new contract. The DCA Contracts Unit was instrumental in assisting the Boards in developing an exceptional RFP and maintaining a fair and impartial process in awarding the contract.

Diversion Evaluation Committees (DEC)

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for April, May, and June 2008. As of June 30, 2008 there were 1,319 successful completions in the Diversion Program.

NEXT STEP: None

**FINANCIAL
IMPLICATIONS,
IF ANY:**

None

PERSON TO CONTACT: Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616

**BOARD OF REGISTERED NURSING
Diversion/Discipline Committee Meeting
Agenda Item Summary**

AGENDA ITEM: 3.2

DATE: August 21, 2008

ACTION REQUESTED: Information Only: Probation Program Update and Statistics

REQUESTED BY: Carol Stanford
Diversion/Probation Program Manager

Program Update

The Probation Program has hired Elizabeth Hespeler as the new Probation Monitor and she will join the Board on September 1, 2008, as the offer was approved prior to the budget impasse. Ms. Hespeler comes to the Board from Emergency Medical Services Authority and has worked for the Department of Public Health and will be an asset to the Program.

Statistics

Below are the current statistics for the Probation Program through July 28, 2008.

MALE	123
FEMALE	352
CHEMICAL DEPENDENCY CASES	261
PRACTICE CASES	163
SOUTHERN CALIFORNIA	245
NORTHERN CALIFORNIA	230
PENDING AT THE AG	73
ADVANCED CERTIFICATES	37
REVOKED OR SURRENDERS (January – July 2008)	26
TOTAL IN-STATE PROBATIONERS	475

NEXT STEP: None

**FINANCIAL
IMPLICATIONS:** None

PERSON TO CONTACT: Carol Stanford
Diversion/Probation Program Manager
(916) 574-7616

**BOARD OF REGISTERED NURSING
Diversion/Discipline Committee Meeting
Agenda Item Summary**

AGENDA ITEM: 3.3

DATE: August 21, 2008

ACTION REQUESTED: (a) Approve/Not Approve: Diversion Evaluation Committee Member Appointments/Reappointments/Term Extension
(b) Information Only: Diversion Evaluation Committee Member Resignation

REQUESTED BY: Carol Stanford
Diversion/Probation Program Manager

BACKGROUND: In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

(a) APPROVE/NOT APPROVE: Diversion Evaluation Committee Member Appointments/ Reappointments/ Term Extension

APPOINTMENTS

Below are the names of candidates who were interviewed and are being recommended for appointment to the Diversion Evaluation Committees (DEC). Their applications and résumés are attached. If appointed, their terms will expire June 30, 2012.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Elaine Bradley	Nurse	Palm Springs	6
Richard Diamond	Public	Sacramento	1
Elinore McCance-Katz	Physician	Oakland	13

REAPPOINTMENTS

The following DEC members are requesting second term appointments. If their appointments are approved, their terms will expire on June 30, 2012.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Edy Stumpf	Public	Orange	4
Mardelle Buss,	Physician	San Jose	7
Steven Robb	Nurse	San Diego	10
Diane Christoffels	Public	San Diego	10
Shannon Chavez	Public	San Jose	10

TERM EXTENSION

The following DEC member is requesting an extension of his appointment. He has served two terms and is interested in a two-year extension of his appointment. If approved, his term will expire June 30, 2010.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Juan Martinez	Public	North Central	12

(b) INFORMATION ONLY: Diversion Evaluation Committee Member Resignation**INFORMATION ONLY**

Below is the name of Diversion Evaluation Committee member who has had to resign for personal reasons. His efforts were recognized and certificates and letters of appreciation on behalf of the Board were mailed out.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Raymond Jones	Nurse	North Coast	11

NEXT STEP: Continue recruiting efforts

FINANCIAL IMPLICATIONS: None

PERSON TO CONTACT: Carol Stanford
Diversion/Probation Program Manager
(916) 574-7616